

REMARKS

In response to the Office Action dated July 10, 2008, Applicants respectfully request reconsideration based on the above amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

New claims 21-29 have been added and are dependent from allowed claim 11. Claims 12-15 have been canceled to expedite prosecution. Such cancellation shall not be construed as acquiescence in any rejection.

Claims 1-10 and 16-20 were rejected under 35 U.S.C. § 103 as being unpatentable over Ngo in view of Balakrishnan. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, “wherein said calculating the bandwidth contribution of said target access port to said VLAN includes splitting said VLAN into two portions based on the location of said VLAN switches relative to said target trunk, wherein one portion includes said target access port and is an access port side and the other portion is a non-access port side and calculating bandwidth contribution for the access port side and the non-access port side.” In applying the references, the Examiner relied upon Ngo as teaching a general VLAN architecture. Ngo, however, provides no disclosure on evaluating VLAN capacity with respect to a target access port. The Examiner relies on Balakrishnan as allegedly teaching calculating bandwidth contribution of a target switch. Balakrishnan fails to teach calculating the bandwidth contribution as recited in claim 1. With respect to calculating bandwidth contribution, the Examiner cites to paragraphs [0080], [0082] and [0090] as allegedly teaching calculating bandwidth. These sections of Balakrishnan do not teach “splitting said VLAN into two portions based on the location of said VLAN switches relative to said target trunk, wherein one portion includes said target access port and is an access port side and the other portion is a non-access port side and calculating bandwidth contribution for the access port side and the non-access port side” as recited in claim 1. Thus, even if Ngo and Balakrishnan are combined, the elements of claim 1 do not result.

For at least the above reasons, claim 1 is patentable over Ngo in view of Balakrishnan. Claims 2-10 variously depend from claim 1 and are patentable over Ngo in view of Balakrishnan for at least the reasons advanced with reference to claim 1.

Claims 16 and 20 recite features similar to those discussed above with reference to claim 1 and are patentable over Ngo in view of Balakrishnan for at least the reasons

advanced with reference to claim 1. Claims 17-19 depend from claim 16 and are considered patentable for at least the same reasons.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
20 Church Street, 22nd Floor
Hartford, CT 06103-3207
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

Date: October 10, 2008